

concept under PCT Rule 13.1. Pursuant to 35 U.S.C. §§ 121 and 372, the Examiner entered a restriction requirement for the following groups of inventions:

Group I: Claims 1-6, 14 and 15, drawn to an X-strap with sole that has a channel for the X-strap.

Group II: Claims 7-13, drawn to a foot sole piece of one hardness and a shank in the midfoot area of another hardness.

In response to the Examiner's restriction requirement, Applicants elect the invention of Group I, claims 1-6, 14 and 15. This election is made without waiver or estoppel and without prejudice to the filing of one or more related applications directed to the subject matter of the non-elected Group. Upon entry of the foregoing election and claim cancellations, claims 1-6, 14 and 15 remain pending in this application.

Applicants thank the Examiner for the courtesies extended in the teleconference with the undersigned. As the undersigned explained in the teleconference, during prosecution of the parent PCT application, claims 7-15 of the originally filed PCT application were cancelled. A favorable IPER issued based on claims 1-6. A copy of amended sheets 14 and 15 containing those claims is included herewith. Applicants respectfully submit that the prosecution of the international application obviated any basis for the instant restriction requirement. Nonetheless, the foregoing election has been made in order to assure completeness of this Response.

Should the Examiner wish to discuss any of the foregoing in greater detail, the Examiner is invited to telephone the undersigned at the Examiner's convenience.

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6/5/02

Respectfully submitted,

By

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## CLAIMS

CONFIRMATION  
COPY

(Amended) 1. An X-strap assembly for securing an article of footwear to the instep of a foot, said footwear having a sole and channel through said sole, said strap assembly comprising:

5 a) a strap (1) attached at its respective ends (3, 11) to medial and lateral heel sides (5, 9) of said footwear, said strap (1) having a first portion extending in a forward direction transversely across the instep from a first side of said footwear to a second side, a second portion extending through said channel, and a third portion extending in a rearward direction transversely across the instep from said instep from said first side to said second side of said footwear, said first and said third portions forming an X-configuration over said instep;

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b) a fastener (23, 25) attached to said strap.

(Amended) 2. An article of footwear, comprising:

15 a) a sole (51), the sole having a midfoot portion and a heel portion;

b) a channel (47) extending transversely across the midfoot portion of said sole;

c) an instep strap (41) connected to said heel portion of said sole (51), said strap (41) having a first portion extending in a forward direction transversely across a wearer's instep from one side of said sole (51) to the other, a second portion extending through said channel (47) and slideable within said channel (47), and a third portion extending in a rearward direction transversely across the wearer's instep from said one side to said other side of said sole, the first and third portions of said strap forming an X configuration over the wearer's instep, and the second portion being between the first and third portions of said strap (41); and

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d) an adjustable fastener (55) attached to said strap (41) for adjusting said strap.

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(Amended) 3. An article of footwear as in claim 2, wherein said midfoot portion of said sole (51) includes a shank (114), said shank at least partly underlying said sole (51), said shank being stiffer than said sole (51), said channel (47) extending through said shank (114).

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(Amended) 4. An article of footwear, as in claim 3, wherein said channel (47) is angled downwardly from rear to front in a longitudinal direction.

(Amended) 5. An article of footwear as in claim 4 further comprising a heel portion strap assembly (59), a forefoot strap assembly (69) and a lateral strap (59) extending therebetween.

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(Amended) 6. A footwear product to be worn by a user on the user's foot, comprising:

- a) a sole (51);
- b) a transverse passageway (47) extending through said sole (51); and
- c) a strap system configured to secure the footwear product to the user's foot including:
  - a heel portion (59),
  - an X-strap assembly coupled to said heel portion, wherein said X-strap assembly includes a continuous strap (41) having a first portion extending transversely across the user's instep from a first side of the footwear to a second side, a second portion extending through said transverse passageway (47), and a third portion extending transversely across the user's instep from said first side to said second side of said footwear, said first and said third portions of said X-strap assembly forming an X-configuration over the user's instep, and
  - an adjustable fastener (55) for adjusting the length of said X-strap assembly.

## CLAIMS

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1. An X-strap assembly for securing an article of footwear to the instep of a foot, said footwear having a sole and channel through said sole, said strap assembly comprising:

5 a) a strap (1) attached at its respective ends (3, 11) to medial and lateral heel sides (5, 9) of said footwear, said strap (1) having a first portion extending in a forward direction transversely across the instep from a first side of said footwear to a second side, a second portion extending through said channel, and a third portion extending in a rearward direction transversely across the instep from said instep from said first side to said second side  
10 of said footwear, said first and said third portions forming an X-configuration over said instep; and

b) a fastener (23, 25) attached to said strap.

2. An article of footwear, comprising:

15 a) a sole (51), the sole having a midfoot portion and a heel portion;  
b) a channel (47) extending transversely across the midfoot portion of said sole;

c) an instep strap (41) connected to said heel portion of said sole (51), said strap (41) having a first portion extending in a forward direction transversely across a wearer's  
20 instep from one side of said sole (51) to the other, a second portion extending through said channel (47) and slideable within said channel (47), and a third portion extending in a rearward direction transversely across the wearer's instep from said one side to said other side of said sole, the first and third portions of said strap forming an X configuration over the wearer's instep, and the second portion being between the first and third portions of said strap (41); and

25 d) an adjustable fastener (55) attached to said strap (41) for adjusting said strap.

3. An article of footwear as in claim 2, wherein said midfoot portion of said sole (51) includes a shank (114), said shank at least partly underlying said sole (51), said shank  
30 being stiffer than said sole (51), said channel (47) extending through said shank (114).

4. An article of footwear, as in claim 3, wherein said channel (47) is angled downwardly from rear to front in a longitudinal direction;

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5. An article of footwear as in claim 4 further comprising a heel portion strap assembly (59), a forefoot strap assembly (69) and a lateral strap (59) extending therebetween.

6. A footwear product to be worn by a user on the user's foot, comprising:

- 5           a) a sole (51);
- b) a transverse passageway (47) extending through said sole (51); and
- c) a strap system configured to secure the footwear product to the user's foot including:

                  a heel portion (59),

- 10           an X-strap assembly coupled to said heel portion, wherein said X-strap assembly includes a continuous strap (41) having a first portion extending transversely across the user's instep from a first side of the footwear to a second side, a second portion extending through said transverse passageway (47), and a third portion extending transversely across the user's instep from said first side to said second side of said footwear, said first and said third
- 15           portions of said X-strap assembly forming an X-configuration over the user's instep, and
- an adjustable fastener (55) for adjusting the length of said X-strap assembly.